



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Green River District, Price Field Office

125 South 600 West

Price, UT 84501

<http://www.blm.gov/>



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CERTIFIED MAIL – Return Receipt Requested

No: 7017 0190 0000 4189 0517

Reid Nelson, Director

Office of Federal Agency Programs

Advisory Council on Historic Preservation

401 F Street NW, Suite 308

Washington, D.C. 20001-2637

Dear Director Nelson,

As part of Section 106 of the *National Historic Preservation Act* (NHPA, 54 U.S.C. 306108) and its implementing regulations at Title 36 Part 800 of the *Code of Federal Regulations* (36 CFR 800) the Bureau of Land Management (BLM), Price Field Office is contacting the Advisory Council on Historic Preservation (the Council) regarding a disagreement between the BLM and consulting parties over BLM's finding of "No Adverse Effect" for the December 2017 Oil and Gas Lease Sale (undertaking). The BLM respectfully requests the Council review BLM's finding pursuant to 36CFR800.5(c)(2) and (3).

The undertaking involves offering 15 parcels located within the Price Field Office administrative area in the December 2017 competitive oil and gas lease sale. Leasing is an administrative action that does not have direct or immediate environmental consequences. However, if a lease is sold and issued, the lessee has the right to use the leased land to explore for, drill for, extract, remove, and dispose of oil and gas deposits, though subject to the standard lease terms and additional restrictions (lease stipulations) attached to the lease at the time of sale. The lease sale therefore has the potential to effect historic properties and is an undertaking.

As appropriate for such an undertaking, the Price Field Office Archaeologist, Nicole Lohman, conducted a literature review of the area of potential effect (APE) to assess potential effects to historic properties. The APE was determined to be the parcel boundary with additional review of properties within one mile of the parcel boundaries to characterize sites in the area as well as to assess the potential for effects outside of the parcel boundaries (36 CFR 800.4 and 800.5). Using cultural resources site and survey data from the Price Field Office cultural resources files and Geographical Information Systems database, the Utah Division of State History Cultural Resource database and associated geodatabase (Preservation Pro), General Land Office Plats, a Class II cultural resources

report privately contracted and completed by SWCA (Castle Valley Class II), the Price Field Office Class I and II with associated predictive model, a Class I and II report and associated model prepared for the Molen Reef area, BLM prepared ethnographic studies of the surrounding area, site location and nature information provided by the Utah Rock Art Research Association ("Red Dot Map"), and photographs and descriptions of undocumented rock art and cultural resources provided by private individual Johnathan Bailey (Bailey database), Ms. Lohman identified and characterized all previously recorded cultural resources, including historic properties, within the APE and one mile of the parcel boundaries and determined the percentage of land surveyed within each parcel. In addition the data on known but undocumented sites provided by the Utah Rock Art Research Association and Johnathan Bailey was also incorporated into the analysis.

Based on the identification efforts and assessment, the BLM determined that reasonably foreseeable development (7.9 acres encompassing a well pad and associated infrastructure) could occur within all 15 parcels with no adverse effect to historic properties, provided the No Surface Occupancy stipulations for the portions of the Rock Art Area of Critical Environmental Concern (Rock Art ACEC) are adhered. The BLM informed the Utah State Historic Preservation Officer (SHPO), Native American Tribes, and consulting parties of its finding of "No Adverse Effect" and invited the aforementioned parties to participate in consultation on the finding as per 36CFR800.5(c). The identification efforts, consultation summary, and associated documentation are discussed in detail in the cultural resources report previously provided to the ACHP and included as an attachment to this letter. The documentation required by 36CFR800.11(e)(1) – (6) is also included on the enclosed data disk.

The Utah SHPO concurred with the BLM's finding of "No Adverse Effect". However, the Utah Rock Art Research Association (URARA) and private citizen Johnathan Bailey in conjunction with the Southern Utah Wilderness Alliance (SUWA) and the Hopi Tribe responded with letters disagreeing with BLM's determination of effect. The consulting parties also questioned the BLM's fulfillment of a "reasonable and good faith effort" given the low percentage of the parcels surveyed. In an attempt to resolve the disagreement the BLM engaged in a formal consultation meeting with consulting parties, a face to face meeting with the Hopi Cultural Preservation Office Staff and Cultural Resources Advisory Task Team, several letters, and a number of informal consultation emails, in person visits, and phone calls. A resolution was not reached through any of these efforts. As a result the BLM is requesting the Council review the BLM's finding. Consultation with the Hopi is ongoing.

The BLM acknowledges the significance of rock art sites located within the Molen Reef area and has developed the Rock Art ACEC and associated lease stipulations for the area. The Price Field Office's Resource Management Plan designated this area as open to leasing with areas in the Rock Art ACEC open to leasing subject to major contractions. Additionally, the BLM contracted a Class I Inventory, Class II survey, and predictive model for the Molen Reef area in order to gain additional information about the nature and distribution of cultural resources. The leasing stipulations as well as cultural resource law and policy were determined to be sufficient protections for the area.

There is no certainty that these parcels will be purchased or that if purchased that development will occur. Furthermore if development proceeds, such development may not result in adverse effects. As consulting parties could not reach an agreement on the finding, the BLM is notifying the Council of this disagreement and requesting the council to formally review the finding.

The BLM initiated an informal review of this undertaking with the ACHP on August 15, 2017. At that time the BLM presented the results of the cultural resources review and discussed the consulting parties' and Hopi Tribe's concerns. This request for formal review by the Council is in response to the requests made by the ACHP at that time.

We are enclosing with this letter the documentation required by 36CFR800.11(e)(1) through (6), as well as the consultation timeline requested by the ACHP during the August 15th meeting. If you have additional questions about this matter please contact Nicole Lohman, Price Field Office Archaeologist, at (435) 636-3667 or nlohman@blm.gov. I am available at (435) 636-3637 or debrown@blm.gov. Please note that I am on a detail to the Price Field Office. As of November 12, 2017, Christopher Conrad will be the Field Manager for the Price Field Office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah Brown".

Deborah Brown
Acting Field Manager
BLM Price Field Office

Enclosures (4)

1. Consultation Timeline- Consulting Parties
2. Consultation Timeline- Tribal Consultation
3. BLM PowerPoint Presentation from August 15, 2017 ACHP meeting
4. Digital Data disk with supporting documentation

cc: Dr. Christopher Merritt, Deputy SHPO, Utah State Historic Preservation Office